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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,767	05/09/2001	Ying Ee Yip	STL9663	3825
7590	08/10/2004		EXAMINER	RODRIGUEZ, GLENDA P
David K Lucente Seagate Technology LLC Intellectual Property Dept COL2LGL 389 Disc Drive Longmont, CO 80503			ART UNIT	PAPER NUMBER
			2651	12
			DATE MAILED: 08/10/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/851,767	Applicant(s) YIP ET AL.
Examiner Glenda P. Rodriguez	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 May 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-8 is/are allowed.

6)  Claim(s) 9-11 is/are rejected.

7)  Claim(s) 12 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

The following Office Action is in response to the Appeal Brief filed by the Applicant on 05/10/2004.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimote (US Patent No. 5, 212, 677) in view of Sliger (US Patent No. 5, 745, 313). Shimote et al. teach a method comprising at least one disc having a plurality of sectors, a method of storing information on defective sectors comprising steps of defining a cluster comprising at least one defective sector, defining parameters describing the shape and size of the cluster (type, position and dimensions), storing the parameters. See col. 3 line 63 - col. 4 line 29. However, Shimote et al does not explicitly disclose to select a reference sector from the cluster. Sliger discloses the use of a diskette wherein the diskette sector has been distributed into clusters which comprises into a grouping of sectors (Pat. No. 5, 745, 313; Col. 2, L. 1-22 and Fig. 1) and Sliger wherein the first sector from the partitioned diskette being selected as the sector which contains a Boot Record, providing in that Boot Record information about fields and characteristics of the drive (Pat. No. 5, 745, 313; Col. 5, L. 6-51. It is obvious to an artisan of ordinary skill in the art because all the sectors the disk has already being partitioned into clusters, the first sector in which the Boot Record is found already belong to a defined cluster of sectors.). It would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to improve upon Shimote et al.'s invention with the teaching Sliger in order to maximizing the data storage capacity of a diskette (Pat No. 5, 745, 313; Abstract).

Regarding Claim 10, the combination of Shimote et al. and Sliger teach all the limitations of Claim 9. The combination further teach wherein the parameters are stored in a storage apparatus (Pat. No. 5, 745, 313; Col. 5, Lines 10-20).

Regarding Claim 11, the combination of Shimote et al. and Sliger teach all the limitations of Claim 9. The combination further teach wherein the locations are sectors (Pat. No. 5, 745, 313; Col. 5, Lines 10-20).

*Allowable Subject Matter*

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reason for allowance is the inclusion of the performing step of selecting one sector from the cluster to be a reference sector for each zone.

Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance: the primary reason for allowance is the inclusion of the performing step of selecting one sector from the cluster to be a reference sector for each zone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (703) 305-8411. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-0400. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gpr  
August 3, 2004.



SINH TRAN  
PRIMARY EXAMINER